

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JN INTERNATIONAL, INC.,)	
a/k/a M/S. JEERI NEOTECH)	
INTERNATIONAL MEDICAL)	8:05CV67
CORPORATION,)	
a Nebraska Corporation,)	
)	
Plaintiff,)	MEMORANDUM AND ORDER
)	
v.)	
)	
M/S TRANSGENE BIOTEK LTD.,)	
a Hyperbad, India)	
Corporation, and)	
SAKET BIOTECHNOLOGIES, LTD.,)	
k/n/a M/S TRANSGENE BIOTEK)	
LTD., a Hyperbad, India)	
Corporation,)	
)	
Defendants.)	

TRANSGENE BIOTEK LIMITED, a)	
Public Limited Company,)	
incorporated in India,)	8:05CV158
)	
Plaintiff,)	
)	
v.)	
)	
JN INTERNATIONAL, INC., a)	MEMORANDUM AND ORDER
Nebraska corporation, and)	
DR. J. RAGHAVA REDDY, an)	
individual, and DOES 1-5,)	
inclusive,)	
)	
Defendants.)	

All parties have agreed to consolidate these cases for all purposes, including trial. However, they do not agree on exactly how that should proceed and also who should be designated as "plaintiff." With respect to the pleadings, each side requests

that it be permitted to include its claims, counterclaims, defenses, etc. as issues in the consolidated case without the need to re-plead all of those items.

While the cases remain separate cases, consolidating them for all purposes, including trial, does make sense. It also makes sense to dismiss one of them and include all the issues in the other. In addition, it seems unnecessary to delay designating a party as "plaintiff." Compressing the cases into one will also reduce confusion facing the jury as a result of both sides being both plaintiffs and defendants, although the jury will undoubtedly learn there were claims initiated by both sides. I shall grant the motions in part as appears below.

IT THEREFORE HEREBY IS ORDERED,

The motions to consolidate, filings 17 and 18 in 8:05CV67 and filings 27 and 28 in 8:05CV158, are granted in part and denied in part, as follows.

1. These cases are consolidated into 8:05CV67. All pleadings henceforth shall be filed in 8:05cv67 and designated in accordance with paragraph 2, below.

2. All claims made by the plaintiffs in 8:05CV158 shall be considered counterclaims in 8:05cv67. All allegations in the answer, filing 30 in 8:05cv158 shall be considered replies to the counterclaims. In order to avoid confusion or to ensure the inclusion of all claims and defenses, the parties are given leave to formally file such counterclaims and replies in 8:05cv67 on or before July 8, 2005, but they are not being required to do so. Case 8:05cv158 may be dismissed in the event that all claims and defenses in it are re-filed as allowed herein. The clerk shall file this order as the final filing in case 8:05cv158, and shall note that all future filings are being made in case 8:05cv67.

3. The captions of both cases are amended. Henceforth the caption will be:

JN INTERNATIONAL, INC.,)	
a/k/a M/S. JEERI NEOTECH,)	
INTERNATIONAL MEDICAL)	
CORPORATION,)	8:05CV67
a Nebraska Corporation,)	
)	
Plaintiff,)	
)	
v.)	
)	
M/S TRANSGENE BIOTEK, LTD,)	
a Hyperbad, India)	
Corporation, and)	
SAKET BIOTECHNOLOGIES,)	
LTD., k/n/a M/S TRANSGENE)	
BIOTEK LTD., a Hyperbad,)	
India Corporation,)	
)	8:05CV158
Defendants and)	(Consolidated into 8:05cv67)
Counter-claimants,)	
)	
v.)	
)	
JN INTERNATIONAL, INC.,)	
A Nebraska corporation,)	
and DR. J. RAGHAVA REDDY,)	
an individual, and)	
DOES 1-5, inclusive,)	
)	
Counter-defendants.)	

All pleadings and case-related documents shall bear this caption.

3. The motion by JN International in 8:05cv158, filing 26, is granted. Counsel for all parties shall meet and confer in accordance with Fed. R. Civ. P. 26(f) and file their JOINT report on or before July 15, 2005.

4. At the time of the final pretrial conference, ONE proposed pretrial order shall be submitted.

DATED June 9, 2005.

BY THE COURT

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge